

REMARKS

The Office states that claims 47, 51-52 and 65-67 are directed to a non-elected embodiment. Although the Applicant respectfully traverses this rejection, to expedite allowance of this application the Applicant has withdrawn these claims from consideration.

The Office further states that claims 43-46, 49-50, 55-63, 69-70 and 80 are directed to a non-elected embodiment. Although these claims have been previously withdrawn from consideration, the Office requests cancellation of these claims. The Applicant advises that upon agreement of allowable claims, the Applicant will cancel all claims not directed to an elected embodiment.

The Office rejects claims 27-39, 41, 42, 48, 68, 77-79, 81-86 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,387,816 to Weckman. The Applicant respectfully disagrees and traverses this rejection.

Although Applicant has traversed this rejection, and disagrees with the Office's comments regarding Weckman, to expedite allowance of this application, the Applicant has amended independent claims 27, 37, 48, 68, 77, 81, 83 and 86 to specify that the flexure initiator region has an arc of curvature "to provide a longitudinal change of curvature" (claims 27, 37, 68, 77, and 83) a "lesser amount to provide the vacuum panel with a longitudinally variable projection away from said plane" (claim 81). Claim 48 has been amended to state that the wall is "longitudinally outwardly bowed between said regions" and claim 86 has been amended to state that the flex panel is provided with a "longitudinally different outward bow".

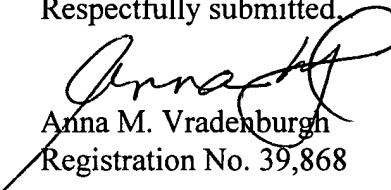
Weckman does not teach a longitudinal change of any type in the panel. Indeed, Weckman teaches a vertically straight panel. Figure 6 illustrates that the panel 24, between the reference numerals 94 (top and bottom), does not deviate from a straight line. This is supported in the Weckman disclosure. For example, col. 5, lines 46 and 47, state: "the vertical dimension of the label panels 84 and 86 cannot be curved, since the compound curve may not be fitted with a two dimensional label...." Further, col. 5, lines 52-54 states that the creasing of a label "is avoided by transverse convex curvature of the label panels 84 and 86 while maintaining a vertically straight geometry." Weckman

clearly teaches a vertically straight panel, and indeed, the Weckman design relies on the panel being vertically straight, otherwise the label would be subject to peeling off the bottle.

The proposed claim language set forth above overcomes the Weckman reference. Indeed, as Weckman is limited to a vertically straight geometry and thus, there is no “longitudinal change of curvature” or any “longitudinal” change present on the panel 24, the Weckman reference fails to meet these limitations in the amended claims, and thus, fails to anticipate these claims. As Weckman fails to anticipate independent claims 27, 37, 48, 68, 77, 81, 83 and 86, Weckman fails to anticipate claims 28-36, 38-39, 41, 42, 78-79, 84-85, which depend directly or indirectly therefrom.

The Applicant contends that the claims are in allowable form and respectfully requests that the rejections be withdrawn and the claims passed onto allowance.

Respectfully submitted,


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